IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Crl.MC.No. 2455 of 2007()

AGAINST THE JUDGEMENT/ORDER IN CRRP.79/2002
CRA.218/2000 of ADDL. SESSIONS COURT, ALAPPUZHA

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PETITIONER: REVN. PETITIONER

ANNAMMA VARGHESE,
POOPALIYIL HOUSE, CHUNGOM, ALAPPUZHA.

BY ADV. SRI.A.MOHAMMED

RESPONDENTS: RESPONDENTS

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1. K.M.SAMUAL,
ELLUKALAYIL KAROOT, PALLOM, KOTTAYAM.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.2455 of 2007

Dated this the 10th day of August 2007

O R D E R

This court had disposed of Crl.R.P.No.79/2002 by order dated 19/6/2006 on the basis of the composition of the offences by the complainant. The petitioner/accused has now come before this court with the grievance that no directions for release of an amount of Rs.30,000/- which the petitioner/accused had remitted before the court below had been made in that order. Consequently, the learned Magistrate is retaining the said amount and is not releasing the same to the petitioner. In these circumstances, it is prayed that there may be a direction to release the amount in deposit, that is, Rs.30,000/- to the petitioner herein, that is the accused.

2. The learned counsel for the respondent/complainant Adv.Sri.Jomy George was given notice. He has appeared before this court now. It is submitted that the parties are in agreement that the said amount has to be released to the accused/petitioner herein. Accepting the submissions of the counsel, I am satisfied that the amount of Rs.30,000/- which is said to be in deposit can be released to the accused/petitioner herein/revision petitioner in Crl.R.P.No.79/02. A direction is accordingly issued that the said amount of Rs.30,000/- if available in deposit shall be released to the petitioner.

2. In the result, this petition is allowed to the above extent.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007